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October 14, 2005

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WASHINGTON - The U.S. Commission on International Religious Freedom (USCIRF) deplores this past week's arrest and trial of journalist Ali Mohaqiq Nasab on charges of blasphemy and "insulting Islam." Nasab, editor of the journal *Haqooq-i-Zan* (Women's Rights), was arrested on the order of Afghanistan's attorney general after the religious advisor to President Hamid Karzai filed a complaint against him. Mr. Nasab's purported "crime" was to question the use of certain harsh punishments under traditional Islamic law, including amputation and public stoning. He faces a 15-year jail sentence.

"The trial of Mr. Nasab on blasphemy charges represents a very alarming development for Afghanistan," said USCIRF Chair Michael Cromartie. "The Commission has warned in the past that because of undemocratic provisions in that country's new constitution and in other laws, this very kind of incident could occur. Clearly, even today in Afghanistan, protections for human rights and democracy remain under threat from state-sponsored religious extremism."

In January 2004, Afghanistan adopted a Constitution that does not include any guarantee of freedom of religion or belief or expression for members of the country's majority Muslim community against unjust accusations of religious "crimes" such as apostasy and blasphemy. Compounding this inadequacy was the signing in March 2004 of a revised press law that contains a sanction against publication of "matters contrary to the principles of Islam or offensive to other religions and sects." The State Department as well as the Commission have reported in the past that the vagueness in the definition of what constitutes offensive material allows for the potential abuse of this clause with the aim of limiting freedom of the press and intimidating journalists. This appears to be precisely what has occurred in the arrest and trial of Mr. Nasab.

With no guarantee for all individuals of the right to religious freedom and a judicial system

instructed to enforce Islamic principles and Islamic law, the door is open for a harsh, unfair, or even abusive interpretation of religious orthodoxy to be officially imposed, violating numerous human rights and stifling political dissent for Muslims and non-Muslims alike. The Commission has for many years pressed the U.S. government to ensure that all citizens of Afghanistan are protected from spurious accusations of blasphemy or similar charges and not face prosecution for peacefully discussing the appropriate role of Islam in Afghan society or for dissenting from prevailing views and beliefs.

“It is particularly disturbing that President Karzai's own advisor began the process that led to Mr. Nasab's arrest. This case clearly puts to the test the Karzai government's commitment to protect human rights in accordance with its international obligations, which are recognized in Afghanistan's Constitution,” Cromartie said. “We call on the U.S. government to press the Karzai government to reject such undemocratic practices, allow for free debate on critical human rights issues, and see that all charges against Mr. Nasab are dropped.”

The U.S. Commission on International Religious Freedom was created by the International Religious Freedom Act of 1998 to monitor the status of freedom of thought, conscience, and religion or belief abroad, as defined in the Universal Declaration of Human Rights and related international instruments, and to give independent policy recommendations to the President, the Secretary of State and the Congress.

Michael Cromartie
- Felice D. Gaer